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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,643	06/23/2003	Eduard Erhardt	Q76086	6122
23373 7590 06/22/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER				
PATEL, CHIRAG R				
ART UNIT		PAPER NUMBER		
2454				
MAIL DATE		DELIVERY MODE		
06/22/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/600,643

Applicant(s)

ERHARDT, EDUARD

Examiner

CHIRAG R. PATEL

Art Unit

2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments filed April 15, 2009 have been fully considered but they are not persuasive.

In response to applicant's arguments that Ofek in view of Touboul does not disclose or suggest "wherein receipt of any data from the data communication is limited to the first computer and wherein transmission of any data to the data communications network is limited to the second computer", examiner asserts that Ofek discloses per Col 4 lines 1-22, "The copy program is disabled thereby isolating the second data storage facility from the first data storage facility while *enabling the first data processing system to continue its operations with the first data storage facility*". While the copy program is disabled, there is still communication with the first data processing system and the first data storage facility. The above passage shows that communication is limited to the first computer.

In response to applicant's argument that limiting the operation of a computer to only receipt or transmit data from or to a data communications network is clearly different from blocking all communications, examiner asserts per the above passage the communication is still enabled with the first data storage facility, as indicated above by Ofek per Col 4 lines 1-22. Applicant's arguments of blocking all communication is moot due to the fact that "communication is still enabled with the first data storage facility".

In response to applicant's arguments that Ofek fails to disclose "wherein receipt of any data from the data communication network is limited to the first computer [and] wherein transmission of any data to the data communications network is limited to the

second computer", Ofek discloses receipt of any data from data communications network is limited to the first computer per Col 4 lines 1-22, "The copy program is disabled thereby isolating the second data storage facility from the first data storage facility while enabling the first data processing system to continue its operations with the first data storage facility". The transmission of data is limited to the second computer in that second disk facility is a mirror of the first disk facility and that the isolation of the second disk facility is equated as limiting the data communication to the second computer.

In response to applicant's argument that the third system in Ofek does not mirror the second system, examiner asserts that Ofek clearly teaches and is directed to the third system mirroring the second system per Col 3 lines 31-43, "transferring data from the isolated second data storage facility to the medium in the backup facility simultaneously with and independently of the operation of the data processing system with the first data storage facility". As it performs it independently of the operation of the data processing system with the first data storage facility, it is not performing the operating in parallel.

In response to applicant's argument that Ofek does not even distinguish between internal and an external network, examiner asserts that Ofek discloses a local and a geographically remote system per Col 1 lines 44-51, "a local system 10 and a geographically remote system 11".

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 8-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ofek (US 6,549,921) in view of Touboul (US 6,480,962).

As per claim 1, Ofek discloses a computer system connected to a data communications network, comprising:

a first computer; (Col 4 lines 1-22; first data storage facility)

a second, redundant computer that is independent of the first computer; (Col 4 lines 1-22; second data storage facility)

wherein the first computer is configured to match with the second computer by comparing a first work result of the first computer with a second work result of the second computer; (Col 7 line 64-Col 8 line 10; Col 10 line 66-Col 11 line 31; Figure 6: item 101: both local and remote system generate a status (work result) of the corresponding track; Figure 6: items 102, 106 performs the comparison process of the 1st and 2nd work result; Fig. 6: item 110 ; Col 11 lines 28-32, resynchronizes system based on value of the vector)

wherein receipt of any data from the data communications network is limited to the first computer; (Col 4 lines 1-22; The copy program is disabled thereby isolating the second data storage facility from the first data storage facility while enabling the first data processing system to continue its operations with the first data storage facility.)

wherein transmission of any data to the data communications network is limited to the second computer; (Col 4 lines 23-41; A backup operating mode is established whereby the second disk storage facility is isolated from the first disk storage facility)

wherein at least an initial processing of the data received from the data communications network is limited to the first computer; and (Col 4 lines 1-22)

Ofek fails to disclose wherein the first computer is configured to convert, transmit to and store in the second computer non-verified or non-verifiable data received by the first computer only in non-processable form. Touboul discloses converting non-verified or non-verifiable data received by the first computer in non-processable form. (Col 6 lines 4-21) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to convert, transmit to and store in the second computer non-verified or non-verifiable data received by the first computer only in non-processable form in the disclosure of Ofek. The motivation for doing so would have been to protect clients from hostile downloadables. (Col 2 lines 24-31)

As per claim 2, Ofek / Touboul disclose the method of claim 1. Ofek discloses further the computer system as claimed in claim 1, wherein the first computer is

configured to verify the received data in the first computer, and wherein the first computer is configured to supply only verified data to the second computer in processable form. (Col 10 line 66-Col 11 line 20)

As per claim 3, Ofek / Touboul disclose the computer system as claimed in claim 1. Ofek discloses wherein the first computer and the second computer are configured to independently verify the received data, and wherein only matching verified data are stored in the second computer in processable form. (Col 11 lines 20-27)

As per claim 4, Ofek / Touboul disclose the computer system as claimed in claim 1. Ofek discloses further comprising: a central data memory, (Col 7 lines 5-16)
wherein direct access to internal data of the computer system contained in a central data memory is limited to the second computer; and (Col 4 lines 23-41)
wherein the first computer is configured to receive the internal data only upon request via the second computer. (Col 7 lines 5-16)

As per claims 5 and 21, Ofek / Touboul disclose the computer system as claimed in claim 1. Ofek discloses further comprising the computer system as claimed in claim 1, further comprising: an independent, redundant third computer; and (Col 11 lines 45-67)
wherein the second computer is configured to match with the third computer by comparing the second work result of the second computer with a third work result of the third computer. (Col 7 line 64-Col 8 line 10; Col 10 line 66-Col 11 line 20)

As per claim 6, Ofek discloses a method, comprising:

producing a first work result representing the verified data; (Col 7 line 64-Col 8 line 10)

forwarding the verified data in processable form and the non-verified data in the non- processable form from the first computer to a second computer; (Col 4 lines 23-41; A backup operating mode is established whereby the second disk storage facility is isolated from the first disk storage facility)

in the second computer, independently verifying the verified data forwarded from the first computer and producing a second work result based on the independent verification; comparing the first work result with the second work result; and (Col 7 line 64 – Col 8 line 10; Col 10 line 66-Col 11 line 20; resynchronizes system based on valid bit patterns (work result) of local and remote system)

if the first work result and the second work result match, storing the verified data in the second computer, (Col 11 lines 28-32)

wherein receipt of any data from the data communication network is limited to the first computer and (Col 4 lines 1-22; The copy program is disabled thereby isolating the second data storage facility from the first data storage facility while enabling the first data processing system to continue its operations with the first data storage facility.)

wherein transmission of any data to the data communications network is limited to the second computer. (Col 4 lines 23-41; A backup operating mode is established whereby the second disk storage facility is isolated from the first disk storage facility)

Ofek fails to disclose in a first computer , classifying data received from a data communications network as verified data and non-verified data, converting the non-verified data into a non-processable form by the first computer. Touboul discloses in a first computer , classifying data received from a data communications network as verified data and non-verified data, converting the non-verified data into a non-processable form by the first computer. (Col 6 lines 4-21) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose in a first computer , classifying data received from a data communications network as verified data and non-verified data, converting the non-verified data into a non-processable form by the first computer. The motivation for doing do would have been to protect clients from hostile downloadables. (Col 2 lines 24-31)

As per claim 8, Ofek / Touboul disclose the method of claim 6. Ofek discloses wherein only the second computer directly accesses internal data contained in a central data memory, and wherein the first computer indirectly accesses the internal data only upon request via the second computer. (Col 7 lines 5-16)

As per claim 9, Ofek / Touboul disclose the method of claim 6. Ofek discloses the method of claim 6, further comprising matching the second work result of the

second computer with a third work result of a third computer. (Col 7 line 64-Col 8 line 10; Col 10 line 66-Col 11 line 20; Col 11 lines 56-67)

As per claims 10 and 16, Ofek / Touboul disclose the computer system as claimed in claim 1. Ofek discloses wherein connection between the first computer and the second computer forms an internal network of the computer system and wherein the data communications network is an external network with respect to the computer system. (Col 1 lines 44-51, Col 3 lines 44-54)

As per claim 11, Ofek / Touboul disclose the computer system as claimed in claim 1. Ofek discloses wherein the first computer independently verifies the received data producing the first work result and wherein the second computer independently verifies the received data producing the second work result. (Col 7 line 64 – Col 8 line 10)

As per claim 12, Ofek / Touboul disclose the computer system as claimed in claim 1. Ofek discloses wherein data processed by the first computer produces the first work result and wherein data processed by the second computer produces the second work result. (Col 7 line 64-Col 8 line 10)

As per claim 13, Ofek / Touboul disclose the computer system as claimed in claim 12. Ofek discloses wherein the first and second work results are produced by executing at least one of horizontal parity checks and parallel balancing. (Col 10 line 66-Col 11 line 20)

As per claims 14 and 19, Ofek / Touboul disclose the computer system as claimed in claim 1. Ofek discloses wherein said matching by the first computer with the second computer is performed at an end of a program or when memory is being accessed. (Col 4 lines 1-22; Upon completion of the backup operation, the copy program is enabled to copy data blocks from the first data storage facility to the second data storage facility corresponding to the recorded identifications thereby reestablishing the second data storage facility as a mirror of the first data storage facility)

As per claims 15 and 20, Ofek / Touboul disclose the computer system as claimed in claim 1. Ofek discloses wherein all of the initial processing is performed by the first computer. (Col 4 lines 1-22)

As per claim 17, Ofek / Touboul disclose the method as claimed in claim 6. Ofek discloses wherein the first computer independently verifies the received data producing the first work result and wherein the second computer independently verifies the received data producing the second work result. (Col 7 line 64-Col 8 line 10)

As per claim 18, Ofek / Touboul disclose the method as claimed in claim 6. Ofek discloses wherein data processed by the first computer produces the first work result and wherein data processed by the second computer produces the second work result. (Col 7 line 64 – Col 8 line 10)

As per claim 22, Ofek / Touboul disclose the method as claimed in claim 21. Ofek discloses wherein only the second and third computers have access to internal data of the computer system and wherein the third computer is configured to implement operation and monitoring of an automation system. (Col 7 lines 17-25)

Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ofek (US 6,549,921) / Touboul (US 6,480,962) further in view of Rowen et al. - hereinafter Shirley (US 6,567,869)

As per claims 23 and 24. Ofek / Touboul disclose the computer system as claimed in claim 5. Ofek fails to disclose wherein user inputs are supplied via a keyboard or a mouse in parallel to the first computer, the second computer and the third computer. Shirley discloses wherein user inputs are supplied via a keyboard or a mouse in parallel to the first computer, the second computer and the third computer. (Col 2 line 56-Col 3 line 11, Figure 1) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Ofek to disclose wherein user inputs are supplied via a keyboard or a mouse in parallel to the first computer, the second

computer and the third computer. The motivation would have been to control multiple computers using a single keyboard and mouse. (Col 2 line 56-Col 3 line 11)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 8:00AM to 4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on (571) 272-1915.

The fax phone number for the organization where this application or proceeding

is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/C. R. P./
Examiner, Art Unit 2454

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2454